

REMARKS

Claims 1-3, 5-11, 21 and 22 are pending. By this Amendment, claims 1, 5, and 7 are amended and claim 4 is cancelled.

Claim Rejections - 35 U.S.C. §§ 102 and 103

Claim 1 has been amended to clarify that the non-contact position detecting mechanism is capable of detecting changes of the position of the shift lever in both directions along the first and second manipulation axes for detecting a shift position selected by the shift lever (the specification, page 12, lines 22-26). Claim 1 also has been amended to include the limitations of claim 4 and to clarify that the first holder allows the accommodated devices or device to move relative to the first holder along the first movement axis and the second holder allows the first holder to move relative to the second holder along the second movement axis. Claim 4 has been cancelled.

Claims 1-7, 9, 10, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Syamoto et al. (U.S. Publication No. 2004/0237692). Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Syamoto in view of Skogward (U.S. Patent No. 6,415,677). Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Syamoto in view of Fujinuma (U.S. Publication No. 2002/0056334).

Claim 1 recites a non-contact position detecting mechanism (19) capable of detecting changes of the position of the shift lever in both directions along the first and second manipulation axes for detecting a shift position selected by the shift lever. The position detecting mechanism is formed as a single unit and includes a plurality of detecting devices (38, 39, 40, 41) and a single detection objective device (25). Claim 1 also recites that the moving mechanism includes a first holder (23) and a second holder (24). The first holder accommodates one of the group of the detecting devices and the detection objective device and allows the accommodated

devices or device to move relative to the first holder along the first movement axis. The second holder accommodates the first holder and allows the first holder to move relative to the second holder along the second movement axis.

Figs. 1-4 of Syamoto show a sensor unit 20 formed as a single unit. However, the sensor unit 20 of Syamoto includes non-contact detection device (62, 63a, 63b, 71) for detecting the position of the shift lever in the shift direction (paragraph 0037) and a contact detection device (73, 74, 79) for detecting the position of the shift lever in the select direction (paragraph 0042). Therefore, Syamoto does not disclose a non-contact position detecting mechanism that is formed as a single unit and is capable of detecting changes of the position of the shift lever in both directions along the first and second manipulation axes for detecting a shift position selected by the shift lever.

Also, the Examiner states that a retainer 23 in Syamoto corresponds to the claimed moving mechanism. However, the retainer 23 merely rotates around axis of a shaft 24 to move a detection objection device (a magnet 62) in the rotation direction, but does not move the detection objective device along first and second movement axes that extend in different directions. Therefore, the retainer 23 in Syamoto differs from the claimed moving mechanism.

Further, regarding claim 4, the Examiner states that a PC board 55 in Syamoto corresponds to the claimed first holder and a shielding portion 64 of a plate 61 in Syamoto corresponds to the claimed second holder. However, the PCT board 55 is fixedly located in the sensor unit 20 and the plate 61 is movable in the sensor unit 20. The detecting devices 63a, 63b, 71 are fixed to the PC board 61 does not accommodate the PC board 55 and does not allow the PC board 55 to move relative to the plate 61. Accordingly, Syamoto does not disclose elements corresponding to the claimed first and second holders.

Therefore, withdrawal of the 102 rejection to claim 1 is respectfully requested. Claim 4 has been cancelled and claims 2, 3, 5-11, 21 and 22 depend directly or indirectly from claim 1. Hence, withdrawal of the rejection to these claims is respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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